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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

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**COMMITTEE ON EDUCATION**

Hon. Mark Treyger, *Chair*

**December 15, 2020**

**OVERSIGHT: Reopening NYC Public Schools: Health & Safety**

**PROPOSED INT. NO. 2058-A:** By the Public Advocate (Mr. Williams) and Council Members Treyger, Kallos, Brannan, Gibson, Chin, Adams, Dromm, Rosenthal and Barron

**TITLE:** A Local Law in relation to requiring the department of education to report on remote learning attendance

**PROPOSED INT. 2104-A:** By Council Members Treyger, Kallos, Louis, Adams, Chin, Gibson, Dromm, Rosenthal and Barron

**TITLE:** A Local Law in relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic

Table of Contents

[I. Introduction 3](#_Toc53673697)

[II. Background 3](#_Toc53673698)

[*COVID-19: Background* 3](#_Toc53673699)

[*Impact on New York City* 5](#_Toc53673700)

[III. State Guidance on Reopening Schools 7](#_Toc53673701)

[*New York State Guidance on School Reopening* 7](#_Toc53673702)

[*New York State Board of Regents and State Education Department* 8](#_Toc53673703)

[*New York State Department of Health* 9](#_Toc53673704)

[IV. New York City Department of Education’s Reopening Plan 10](#_Toc53673705)

[*Student Group Rotation Models* 13](#_Toc53673706)

[*Safety Precautions* 15](#_Toc53673707)

[*Building Safety Measures* 16](#_Toc53673708)

[*Outdoor Learning* 16](#_Toc53673709)

[*Testing Requirements and Contact Tracing* 17](#_Toc53673710)

[*DOE’s Scenario Planning for Classrooms and full School Closures* 20](#_Toc53673711)

[*Covid-19 Cases in DOE Schools* 22](#_Toc53673712)

[V. Accommodations for at Risk Staff 23](#_Toc53673713)

[VI. Ventilation 23](#_Toc53673714)

[VII. School Buses and Transportation 29](#_Toc53673715)

[VIII. Rising COVID Cases Impact on DOE Schools 31](#_Toc53673716)

[*NYC Public Schools in Governor’s Yellow, Orange & Red Zones* 33](#_Toc53673717)

[IX. Social Emotional Health for Students 33](#_Toc53673718)

[X. Conclusion 37](#_Toc53673719)

# I. Introduction

On Tuesday, December 15, 2020, the Committee on Education, chaired by Council Member Mark Treyger held a vote on Proposed Introduction Number 2058-A, sponsored by the Public Advocate (Mr. Williams) and Proposed Introduction Number 2104-A, sponsored by Council Member Treyger. The Committee previously heard testimony[[1]](#footnote-1) on this legislation from the Department of Education (DOE), Department of Health and Mental Hygiene (DOHMH), New York City Test & Trace Corps (T2), Department of Youth and Community Development (DYCD), students, parents, educators, health experts, unions, advocates, and other interested stakeholders. On December 15, 2020, the Committee passed Proposed Introduction Number 2058-A and Proposed Introduction Number 2104-A by a vote of fourteen in the affirmative, zero in the negative, with zero abstentions.

# II. Background

## *COVID-19: Background*

A novel coronavirus, called SARS-CoV-2, first emerged in late 2019 and spread rapidly around the world.[[2]](#footnote-2) As of October 15, 2020, there have been 39,036,810 confirmed cases of COVID-19, the disease caused by SARS-CoV-2, and more than 1,100,340 deaths worldwide, including more than 8,172,934 cases and more than 222,210 deaths in United States.[[3]](#footnote-3) New York State (NYS) and New York City (NYC) have been hit particularly hard by this pandemic. As of October 15, there have been more than 479,400 confirmed cases[[4]](#footnote-4) and more than 25,618 deaths in the State,[[5]](#footnote-5) including more than 246,836 cases, 19,264 confirmed deaths, and 4,651 probable deaths in New York City.[[6]](#footnote-6)

COVID-19 has a wide range of symptoms, ranging from mild symptoms to severe illness, and symptoms may appear 2-14 days after exposure to the virus.[[7]](#footnote-7) Symptoms include fever or chills, cough, shortness of breath, difficulty breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion, runny nose, nausea, vomiting, and diarrhea.[[8]](#footnote-8) Some people are at increased risk of developing severe COVID symptoms and dying from the virus, including older adults and those with certain underlying medical conditions,[[9]](#footnote-9) such as cancer, chronic kidney disease, heart conditions, obesity, and type 2 diabetes.[[10]](#footnote-10) Other people who should take extra precautions include people who are racial and/or ethnic minorities, those with disabilities, those who are pregnant or breastfeeding, individuals living in rural communities, and those experiencing homelessness.[[11]](#footnote-11)

Although children are less likely to experience symptoms if they contract COVID-19,[[12]](#footnote-12) they can still spread the virus that causes COVID-19 to others, even if they are asymptomatic.[[13]](#footnote-13) Moreover, while most children with COVID-19 have mild symptoms or have no symptoms at all, some children can get severely ill from COVID-19, including infants and children with certain underlying conditions such as asthma, chronic lung disease, immunosuppression, and medical complexity.[[14]](#footnote-14)

The Centers for Disease Control and Prevention (CDC) has also been tracking reports of multisystem inflammatory syndrome in children (MIS-C), a rare but serious condition associated with COVID-19, since mid-May 2020.[[15]](#footnote-15) As of October 1, 2020, there have been 1,027 total confirmed cases of MIS-C and 20 deaths.[[16]](#footnote-16) More than 70 percent of reported cases have occurred in children and adolescents who are Hispanic (372 cases) or Black (309 cases).[[17]](#footnote-17)

## *Impact on New York City*

On March 7, 2020, Governor Andrew Cuomo declared a State of Emergency and has since issued a series of orders that have closed schools and businesses, and changed the day-to-day lives of millions of New York residents.[[18]](#footnote-18) These unprecedented measures were to slow the spread of COVID-19, ensure that the number of people who required hospitalization was limited as much as possible, and put hospitals in a better position to manage a surge in cases.[[19]](#footnote-19) These measures were followed by safety guidelines from the New York City Department of Health and Mental Hygiene (DOHMH)[[20]](#footnote-20) and New York State Department of Health (NYS DOH) for businesses and individuals.[[21]](#footnote-21) In some ways, these safety guidelines mirror the prevention and safety guidelines issued by the CDC, which encourage individuals to wear face coverings that cover their noses and mouths, practice social distancing by putting six feet of distance between themselves and others, and frequently wash their hands to avoid exposure to the virus, as the virus is thought to mainly spread from person-to-person.[[22]](#footnote-22)

In the weeks following Governor Cuomo’s emergency orders, the immediate concern regarding hospital capacity was abated as the number of new COVID-19 cases, hospitalizations, and deaths declined significantly.[[23]](#footnote-23) By early September, New York State had experienced a full month with the COVID-19 infection rate below one percent[[24]](#footnote-24) while testing between about 50,000 and 100,000 people per day.[[25]](#footnote-25) As rates of infection remained low, New York State steadily eased restrictions and reopened. This included plans for all New York City public schools to resume some in-person classes this fall.[[26]](#footnote-26)

# III. State Guidance on Reopening Schools

## *New York State Guidance on School Reopening*

Recognizing how quickly the coronavirus spreads,[[27]](#footnote-27) during the onset of the first case reaching NYS, Governor Andrew Cuomo took measures to curb the spread including requiring non-essential businesses, organizations, and institutions to close their buildings, with many choosing to operate remotely.[[28]](#footnote-28) While the Governor signed an executive order on March 16 to close school buildings for two weeks beginning on March 18, 2020,[[29]](#footnote-29) NYC’s public school system closed its school buildings to students on March 16, 2020, shifting the City’s 1.1 million students to fully remote learning.[[30]](#footnote-30) On April 7, 2020, Governor Cuomo signed Executive Order No. 202.14, which extended and directed schools to stay closed through April 29.[[31]](#footnote-31) The Governor’s final action with relation to keeping school buildings closed was on May 17, 2020, when he signed Executive Order No. 202.28, which mandated that all schools in the state would remain closed for the remainder of the 2019-20 school year.[[32]](#footnote-32) Additionally, the Governor set forth a four phase re-opening plan for the state, with phase four permitting the reopening of higher education and pre-K to grade 12 schools.[[33]](#footnote-33)

One of the most pertinent questions facing every school district in the country was whether or when school buildings would reopen for in-person instruction in the 2020-2021 school year. Reopening options have ranged from fully reopening school buildings to a hybrid model which mixes in-person learning and remote learning, and finally, full remote instruction.[[34]](#footnote-34) There has been contentious debate in the city from educators, parents, students and advocates about how and whether NYC public school buildings should reopen.[[35]](#footnote-35)

## *New York State Board of Regents and State Education Department*

The New York State Board of Regents conducted four virtual regional reopening task force meetings between June 15 and June 24.[[36]](#footnote-36) From these meetings, the Regents in collaboration with the New York State Education Department (NYSED) created a framework to provide schools “with the flexibility they will need to develop and implement creative solutions to their unique, local circumstances.”[[37]](#footnote-37) This framework, which was released on July 13, 2020, considered in-person instruction, remote instruction and a combination of the two.[[38]](#footnote-38) The framework was incorporated into guidance that include actions that schools are required to take and best practice recommendations.[[39]](#footnote-39) Topics covered include:

* Health and safety;
* Facilities;
* Nutrition;
* Social-emotional well-being;
* School schedules;
* Budget and fiscal;
* Attendance and chronic absenteeism; and
* Technology and connectivity.[[40]](#footnote-40)

Schools had to meet the requirements as outlined by the Regents and NYSED, and also ensure that plans met the requirements as outlined by the State’s health officials.[[41]](#footnote-41)

## *New York State Department of Health*

On July 13, 2020, the NYS DOH issued *Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public Health Emergency*.[[42]](#footnote-42) This guidance document, which covers public and private schools, their employees, students, contractors and parents/guardians of students, provides context for individual school districts in developing reopening plans for this fall, in conjunction with the NYSED guidance issued on the same day.[[43]](#footnote-43) The guidance indicates that every school district was required to submit their reopening plans for approval to both NYS DOH and NYSED.[[44]](#footnote-44) Each district developing their plans, at a minimum, had to cover the following criteria:

* Reopening of school facilities for in-person instruction;
* Monitoring of health conditions;
* Containment of potential transmission of COVID-19; and
* Closure of school facilities and in-person instruction, if necessitated by widespread virus transmission.[[45]](#footnote-45)

The guidance covers not only aspects of in-person learning, but also transportation, ventilation, contact tracing, food services and an additional range of items that districts must consider and incorporate into their school reopening plans.[[46]](#footnote-46) Plans were due to the State by July 31.[[47]](#footnote-47)

Finally, the Governor also imposed an infection rate threshold that would determine if schools were permitted to resume in-person learning in September.[[48]](#footnote-48) Schools in a region could reopen if that region’s “daily infection rate remains below 5 percent or lower using a 14-day average since unPAUSE [sic] was lifted.”[[49]](#footnote-49) Schools will close “if the regional infection rate rises above 9 percent, using a 7-day average, after August 1.”[[50]](#footnote-50) On August 7, 2020, Governor Cuomo announced that schools across the state were permitted to resume in-person learning in September based on infection rates in each of the State’s regions.[[51]](#footnote-51)

# IV. New York City Department of Education’s Reopening Plan

On Wednesday, July 8, 2020, Mayor Bill de Blasio and Chancellor Richard Carranza unveiled their school reopening plan, “Blended Learning,” for NYC public schools.[[52]](#footnote-52) The plan called for blended learning, a combination of onsite instruction and remote learning for students.[[53]](#footnote-53) The plan also detailed the use of Personal Protective Equipment (PPE) and social distancing requirements for schools. According to the plan, all schools will be provided with PPE including face masks, hand sanitizer and disinfectant, at no cost to the individual school; every school will be deep cleaned each night with electrostatic sprayers; HVAC inspection and improvement would occur prior to school reopening; and isolation rooms would be created for students that become sick.[[54]](#footnote-54) In releasing these plans, the Mayor also announced that, if 3% or more of New Yorkers who are tested for COVID-19 are found to have the virus after school buildings are reopened, school buildings will close again, and 100% of learning will be remote for every student.[[55]](#footnote-55) In a New York City Department of Education (DOE) survey of parents on learning preference, launched in late July, DOE reported that as of October 9, approximately 525,520—or 52%—chose full remote learning.[[56]](#footnote-56) When surveyed earlier in the summer on their learning preference, DOE received approximately 400,000 responses— 75% of which indicated a desire to return to in-person learning.[[57]](#footnote-57) Finally, on July 16, the Mayor announced that the City would be providing free childcare for 100,000 children in the fall to “provide relief for families who cannot stay home or find alternate care for their children on days they are not in school buildings.”[[58]](#footnote-58) The Mayor and Chancellor set a school reopening date of September 10, 2020.[[59]](#footnote-59)

On Tuesday, September 1, 2020, Mayor de Blasio, Chancellor Carranza and labor leaders including United Federation of Teachers (UFT) president, Michael Mulgrew, Council of School Supervisors & Administrators (CSA) President Mark Cannizzaro, and DC 37 Executive Director Henry A. Garrido, announced a delay to the reopening of NYC public schools.[[60]](#footnote-60) According to the deal reached, the start of in-person learning for the 2020-21 school year would be moved from Thursday, September 10 to Monday, September 21, and on Wednesday, September 16 all students would begin remote orientation for the new school year.[[61]](#footnote-61) Teachers were to report to buildings on September 8 as originally scheduled and would have six total citywide professional development days to coordinate, collaborate and prepare for blended and remote learning.[[62]](#footnote-62) Finally, with respect to testing, there would be a medical monitoring program with mandatory monthly testing of a random 10-20% sample of students participating in blended learning as well as on-site staff.[[63]](#footnote-63) Further, the announcement stated that, in addition to the City’s free medical testing program for all NYC residents, students, teachers and DOE school-based staff would have prioritized access to testing at 34 sites across the city, with results available within 24-48 hours.[[64]](#footnote-64)

Yet another change to the school reopening schedule was announced on September 17, when a teacher shortage led the City to phase-in reopening over a two-week period.[[65]](#footnote-65) In a joint statement, Mayor de Blasio, Schools Chancellor Carranza, UFT President Mulgrew and CSA President Cannizzaro announced a phased schedule for in-person learning and additional staffing plan.[[66]](#footnote-66) Under the revised plan, students in full remote programs would start full-day instruction on Monday, September 21 as planned, while students in blended learning programs would return to school according to the following schedule:

* Monday, September 21st: Blended learning students in grades 3-K and Pre-K, as well as all grades in District 75;
* Tuesday, September 29th: Blended learning students enrolled in K-5 and K-8 schools;
* Thursday, October 1st: Blended learning students enrolled in middle schools, high schools, secondary schools (schools spanning grades 6-12), and transfer schools/adult education.[[67]](#footnote-67)

Further, the statement announced that 2,500 additional teachers would be brought on to fill staffing needs at 3-K, Pre-K, District 75, K-5 and K-8 schools on top of the 2,000 additional teaching staff that the Mayor announced earlier that week.[[68]](#footnote-68)

The hybrid schedule set forth below includes five models adopted by NYC public schools—two of these models are exclusively for District 75 schools. [[69]](#footnote-69)

## *Student Group Rotation Models*

* **Model 1**: Alternating days with rotating Mondays, two in-person student groups and one fully remote student group. It assumes that a school can accommodate 50 percent of its student population who participate in in-person learning.[[70]](#footnote-70)Results in five days of in-person instruction for each student over the course of two weeks.[[71]](#footnote-71)
* **Model 2**: One to two days per week in alternating weeks, three in-person student groups. This model assumes that a school can accommodate one third of its students who participate in in-person learning. [[72]](#footnote-72) Students will receive in-person instruction 1-2 days per week for a total of 5 days every 3 weeks. [[73]](#footnote-73)
* **Model 3**: Six day rotation with one to two days per week, three in-person student groups.Assumes that a school can accommodate one third of its students participating in in-person learning.[[74]](#footnote-74) This model uses a six day rotation schedule, allowing students to receive in-person learning two days and remote learning four days in a six day cycle. [[75]](#footnote-75)
* **Model 4**: Every other week, two in-person student groups and available to District 75 schools only.[[76]](#footnote-76) It assumes that a school can serve at least half of its students who participate in in-person learning.[[77]](#footnote-77) This model has students in school every other week, with a potential for some groups to be in-person five days a week every week dependent on student need.[[78]](#footnote-78) Students will receive in-person instruction for five days every other week.[[79]](#footnote-79) An optional third group will receive in-person instruction every week in-person.[[80]](#footnote-80)
* **Model 5**: Two to three days per week (rotating Monday), two in-person student groups. Like model 4, model 5 is available to district 75 schools only.[[81]](#footnote-81) In this model, there are two in-person student groups and one fully remote student group, and a potential for a fully in-person group.[[82]](#footnote-82) Students will receive in-person learning on two consecutive days per week—Tuesdays and Wednesdays for one group and Thursdays and Fridays for the other group—with groups alternating Mondays.[[83]](#footnote-83) Students who receive two in person instruction days per week will receive additional in-person time on alternating Mondays.[[84]](#footnote-84)

Notably, all of the models allow for a group of students to engage in complete remote learning, and on days when students aren’t engaging in in-person learning, it is expected that they are learning remotely.[[85]](#footnote-85) Additionally, school administrators were permitted to request an exception to the proposed programming models for the following reasons:

* The recommended models are not feasible given space, staffing, family choice and expected in-person attendance.
* Schools have unique programmatic needs that must be addressed to better meet the needs of the community, and the proposed exception has staff and parental support.[[86]](#footnote-86)

## *Safety Precautions*

In preparation for reopening, Mayor de Blasio and Chancellor Carranza introduced a list of safety precautions the administration would take to safely reopen schools. First, school buildings would be required to close if the percent of positive coronavirus tests in NYC is equal to or greater than three percent using a seven-day rolling average.[[87]](#footnote-87) The administration also committed to providing nursing coverage for schools serving kindergarten through 12th grade through a NYC Health + Hospitals nursing contract for 400 full-time onsite nurses to be in-place by the first day of school.[[88]](#footnote-88) Notably, DOE’s more than 2,000 early childhood care programs and new Learning Bridges childcare programs will receive two layers of nursing coverage including 100 contracted nurses to provide geographic coverage and additional tele-health nursing providers that will be available to staff through a hotline.[[89]](#footnote-89) DOE also committed to providing schools with supplies to protect students and staff from COVID-19, including soap, hand sanitizer, disinfectants, and thermometers. [[90]](#footnote-90)

Schools are also required to implement personal health measures to reduce the spread of COVID-19, including:

* Physical Distancing - all individuals in school buildings should remain at least 6 feet apart.
* Face Coverings - Face coverings will be required inside school buildings. Exceptions will be developmentally- and age-appropriate, consistent with guidance of health agencies, and paired with increased PPE for staff.
* Handwashing and Hand Sanitizing - There will be increased access and regular opportunities for students and staff to wash hands or use hand sanitizer throughout the day.[[91]](#footnote-91)

## *Building Safety Measures*

In addition to the aforementioned plans, DOE set forth several building safety measures it would take to make school buildings safer, including allowing schools to modify or reconfigure spaces to comply with physical distancing rules and requiring schools to have a designated isolation room to utilize if a student exhibits COVID-19 symptoms.[[92]](#footnote-92) The DOE is currently assessing ventilation in school buildings and making repairs to windows and HVAC systems, and replacing air filters in buildings with central HVAC systems. [[93]](#footnote-93) The Department also announced that throughout the school year it would implement enhanced cleaning and disinfection measures as follows:

* Provide adequate cleaning and disinfection supplies or plan to procure those supplies.
* Require deep cleanings to be completed on a nightly basis, including with the use of electrostatic sprayers.
* Improve HVAC systems to ensure proper ventilation.
* Set-up enhanced cleaning in classrooms, bathrooms, and for high touch areas such as doorknobs and shared equipment such as laptops.
* Provide teachers with cleaning supplies for classrooms. [[94]](#footnote-94)

## *Outdoor Learning*

On August 24, 2020, Mayor de Blasio and Chancellor Carranza announced an Outdoor Learning Initiative for the 2020-21 school year that permitted schools to conduct classes outdoors in schoolyards, nearby parks, and adjacent streets.[[95]](#footnote-95) These courses include dance, chorus, theater, physical education, band and other academic courses.[[96]](#footnote-96) Schools interested in participating in the Outdoor Learning initiative are required to complete DOE’s Outdoor Learning Survey and identify their outdoor learning needs and the space they intend to use.[[97]](#footnote-97) This initiative is available to public, charter, and private schools, as well as the Learning Bridges program.[[98]](#footnote-98) As of September 5, 2020, the DOE approved over 800 schools for outdoor learning in the fall, and applications are being accepted on a rolling basis.[[99]](#footnote-99)

## *Testing Requirements and Contact Tracing*

As outlined above, the Mayor announced the following testing protocols for school reopening:

* Prioritized access to testing for DOE students (3K through 12th Grade), employees, employees of DOE contracted early childhood programs and affiliated family child care networks, and employees of DOE- and the Department of Youth and Community Development-contracted Learning Bridges programs, 22 of which are at Health and Hospitals (H+H) testing sites across the City;
* Priority sites will provide quick testing and guaranteed results within 24-48 hours; and
* Starting October 9 and recurring each month mandatory random test sampling in schools of 10-20% of their students participating in blended learning and on-site staff population.[[100]](#footnote-100)

To receive priority testing at the existing sites, students and staff must show ID or other proof of DOE affiliation.[[101]](#footnote-101) Each student’s family was asked to sign a consent form at the start of the school year to enable their child to participate in random testing, and they will be notified in advance if their child is selected for the month.[[102]](#footnote-102) Providing consent is not mandatory and students may opt out of testing – particularly those students for whom testing is uncomfortable or who cannot get tested – but students without consent forms on file may be required to learn remotely if a school does not receive forms from enough students in the school.[[103]](#footnote-103)

To facilitate random monthly testing, DOE “testing partners” will select a random sampling of staff and students in grades 1-12.[[104]](#footnote-104) The testing is organized by H+H, DOHMH, and the NYC Test & Trace Corp.[[105]](#footnote-105) According to the UFT, the NYC Test & Trace Corps and DOHMH will provide testing kits to schools each month, and appropriate personnel will collect or supervise collection of specimens on site in each school each month.[[106]](#footnote-106) The proportion of students and staff to be tested each month will be determined by the number of students enrolled in the school who have opted into blended learning in order to create a statistically significant sample size:

* 20% of the individuals in schools with fewer than 500 students;
* 15% of the individuals in schools with 500 to 999 students; and
* 10% of the individuals in schools with 1000+ students.[[107]](#footnote-107)

Additionally, the percentage of staff tested and the frequency of testing will rise significantly in schools in any zip code that reports a percentage of positive tests of 3% or higher using a 7-day rolling average.[[108]](#footnote-108) Random monthly tests are free for students and DOE staff members, and staff or students cannot be exempted from testing by receiving a separate test on their own (the test must be part of the DOE random sampling if they are selected to participate).[[109]](#footnote-109) If any student or staff tests positive – through the random sampling or through an independent test – they are required to notify the DOE about such results.[[110]](#footnote-110)

In addition to random monthly testing, DOE is planning for in-school testing for any students that show symptoms of COVID-19, or who are a confirmed contact of someone in the school who tested positive.[[111]](#footnote-111) The current test being utilized is a short, small swab (similar to a Q-Tip) that enters only the front of the nose, as opposed to the “long swab,” which enters the back of the nose.[[112]](#footnote-112) DOE plans to potentially shift to a saliva test as soon as such an option is widely and reliably available.[[113]](#footnote-113)

A positive COVID test – taken privately or through the random sampling – will result in the following:

* Students or staff found to have the virus will be quarantined for 14 days, regardless of the presence of symptoms;
* NYC tracing teams will be dispatched to school immediately to determine potential contacts;
* The COVID-positive individual will receive a call from a tracer who will:
  + Determine if they need more medical attention;
  + Help arrange to isolate at home or at a free hotel; and
  + Create a list of contacts.
* The presence of a COVID-19 case or cases confined to one class will result in the entire class moving to remote instruction;
* And more than one case in a school will result in an entire school moving to remote instruction until the contact tracing is completed.[[114]](#footnote-114)

In addition, DOE is also requiring individuals from the school community to stay home if they feel sick and if they have symptoms that are consistent with COVID-19.[[115]](#footnote-115) If a student feels sick while in school they will be isolated until they are picked up from school, and staff who exhibit COVID-19 symptoms will be asked to leave the school building promptly. [[116]](#footnote-116)

The following scenarios and protocols set forth by DOE will warrant a classroom or school closure:

## *DOE’s Scenario Planning for Classrooms and full School Closures[[117]](#footnote-117)*

|  |  |  |
| --- | --- | --- |
| **Conclusion of Investigation** | **During Investigation** | **Post Investigation** |
| **A.**One confirmed case | Close Classroom | Classroom remains closed for 14 days; students and staff in close contact with positive case self-quarantine for 14 days. |
| **B.**At least 2 cases linked together in school, same classroom | Close Classroom | Classroom remains closed for 14 days; students and staff in close contact with positive cases self-quarantine for 14 days |
| **C.**At least 2 cases linked together in school, different classrooms | Close school | Classrooms of each case remain closed and quarantined, additional school members are quarantined based on where the exposure was in the school (e.g., the locker room); |
| **D.** At least 2 cases linked together by circumstances outside of school (i.e., acquired infection by different setting and source) | Close school | School opens post investigation, classrooms remain closed for 14 days |
| **E.** At least 2 cases not linked but exposure confirmed for each one outside of school setting | Close school | School opens post investigation, classrooms remain closed for 14 days |
| **F.** Link unable to be determined | Close school | Close school for 14 days |

When a student is quarantining at home, DOE expects that they participate in remote learning if they are healthy enough to do so.[[118]](#footnote-118) If a school building is closed, the school will inform families by 6pm on the night before reopening about the status of reopening the following morning.[[119]](#footnote-119) DOE will not reopen school buildings unless public health experts inform them that it is safe to do so.[[120]](#footnote-120)

In order to facilitate a rapid response to positive COVID-19 cases in public schools, on September 14, Mayor de Blasio and Chancellor Carranza announced the creation of the DOE COVID-19 Response Situation Room—a multi-agency partnership between DOE, DOHMH and the Test & Trace Corps.[[121]](#footnote-121) “The Situation Room provides a single point-of-contact between schools and agency partners responsible for performing both testing, contact tracing, and ensuring the appropriate interventions are being taken by school communities.”[[122]](#footnote-122) School leaders are expected to contact the Situation Room to report any suspected or confirmed COVID-19 cases, as well as whether a student or staff member is isolating or sent home with symptoms.[[123]](#footnote-123) Once a report is received by the Situation Room, DOHMH will verify the case and, if needed, trigger a Test & Trace investigation within three hours.[[124]](#footnote-124) If a case is confirmed, schools are required to inform all families and students within the school about the results and what proceeding steps need to be taken, such as whether the students and staff need to be quarantined or whether the school building will temporarily close.[[125]](#footnote-125)

The following map shows DOE schools that had COVID-19 cases since the reopening of school buildings. As of October 13, 2020, there were 131 known cases of COVID-19 in DOE schools.[[126]](#footnote-126) Six of these cases resulted in a school building closure,[[127]](#footnote-127) 120 resulted in a classroom closure, and 5 did not trigger any closure as it was determined that although a member of the school community tested positive for COVID-19, the school community wasn’t exposed.[[128]](#footnote-128)

## *Covid-19 Cases in DOE Schools[[129]](#footnote-129)*

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# V. Accommodations for at Risk Staff

While students can opt into 100% remote learning at any time, DOE staff who are older adults and/or have underlying medical condition(s) that make them more vulnerable to COVID-19 can request to work from home.[[130]](#footnote-130) These accommodations are considered in accordance with applicable disability laws, such as the American with Disabilities Act and the Center for Disease Control guidance.[[131]](#footnote-131) On September 25, the DOE and United Federation of Teachers announced that teachers will be allowed to work remotely if they are teaching students who are learning from home.[[132]](#footnote-132) Notably, this was a reversal of an original decision that required remote teachers to work inside of schools, and this agreement prioritizes remote positions for teachers living with individuals who are at higher risk for COVID-19 complications.[[133]](#footnote-133)

# VI. Ventilation

As evidence suggests that the virus can circulate in the air in indoor spaces, ensuring adequate air flow is an important part of mitigating the spread of COVID-19 in school buildings.[[134]](#footnote-134) This must be done by ensuring that ventilation systems can properly push filtered fresh air into the buildings.[[135]](#footnote-135) Scrutiny of school ventilation has increased with the discussion of school reopenings, as the conditions of the city’s school buildings—some windowless, some with basement classrooms—became a flashpoint for the UFT, which demanded upgraded ventilation in schools before they agreed to a plan to reopen.[[136]](#footnote-136)

The Mayor’s office has stated that a proper ventilation system is defined as a “free flow of fresh air in and out of the space, and can, in the vast majority of cases be achieved by having an open window.”[[137]](#footnote-137) According to DOE, the Department is following the guidance laid out by the CDC, Council of Great City Schools, DOHMH, City University of New York (CUNY), and the Environmental Protection Agency (EPA), regarding ventilation in school buildings.[[138]](#footnote-138) DOE is relying on city and federal public health experts in determining that a room is safe when air is able to flow in and out—whether through natural or mechanical means—and can be achieved either through use of an HVAC, an exhaust fan, an open window, or air handlers.[[139]](#footnote-139) DOE notes that all rooms must have adequate ventilation to be used for the school year.[[140]](#footnote-140) These systems are installed to meet Building Code requirements at the time of design and instruction—requirements which specify that buildings that have supply and exhaust fans do not need operable windows, unless they are used for additional air dilution/supplemental ventilation, or if the mechanical system failed.[[141]](#footnote-141) The DOE’s School Building Ventilation Survey indicates that “a room requires at least one functioning method of ventilation to be cleared for occupancy...[t]his could be a window that opens, a type of mechanical ventilation (exhaust fan, supply fan, unit ventilator) or a combination of both.”[[142]](#footnote-142)

In early August, DOE announced that all school buildings had been surveyed by the Division of School Facilities staff to assess the state of the building ventilation, and repairs were being performed, including fixing windows, repairing HVAC systems, and replacing air filters in buildings with central HVAC systems from MERV 8 to MERV 13.[[143]](#footnote-143) Schools without HVAC systems had windows repaired to allow for or increase air flow.[[144]](#footnote-144)

On August 25, the City launched “school ventilation action teams” through a “multi-agency” effort involving the DOE, the New York City Fire Department (FDNY), the Department of Buildings (DOB), and DOHMH.[[145]](#footnote-145) These teams were responsible for inspecting HVAC systems, windows, and fans in all public schools to make sure that buildings were safe to open by the start of the school year on September 10, with all inspections to be completed by September 1 and DOE officials to post results online by September 4.[[146]](#footnote-146) These 100 “action teams” consisted of two to four “independent ventilation experts” and licensed engineers contracted by the School Construction Authority (SCA).[[147]](#footnote-147) The administration received some criticism regarding the decision to wait until August 25 to deploy inspection teams.[[148]](#footnote-148) The UFT conducted its own inspection of school ventilation systems to double-check the work of the DOE and SCA.[[149]](#footnote-149)

On September 7, Mayor de Blasio announced that 96 percent of New York City school buildings passed ventilation inspections, and the rest would not reopen until they met safety standards.[[150]](#footnote-150) DOE stated that 21 schools located in 10 public school buildings would not be able to welcome teachers back on September 8 to prepare for the start of in-person learning on September 21 because of problems with the buildings’ ventilation systems.[[151]](#footnote-151) DOE further stated that in anticipation of schools reopening, the City would prioritize the buildings for ventilation system and airflow repairs, and in the meantime, the staff would temporarily work from home.[[152]](#footnote-152) The Department planned to improve air circulation by installing portable High Efficiency Particulate Air (HEPA) filters in rooms, flushing air two hours before and after occupation and upgrading filters from MERV-8 to MERV-13.[[153]](#footnote-153)

The ventilation reports released by DOE for each of the school buildings lacked details on the criteria used to determine whether airflow was sufficient inside the school buildings, making it difficult to understand the meaning behind the ventilation reports.[[154]](#footnote-154) Dr. Linsey Marr from Virginia Tech—one of the world’s leading scientists on airborne viruses—called the reports a “good starting point,” stating about a particular report that “it’s good that almost all the windows can be opened...[a]nd...they did look at whether there’s a supply fan or an exhaust fan for the rooms, and whether they’re operational.”[[155]](#footnote-155) Dr. Marr noted that it would be helpful to see “what the actual flow rates are, or air exchange rates or ventilation rates” but acknowledged that that information is much harder to get and would take hours per room monitoring with special equipment to ascertain.[[156]](#footnote-156) She also pointed out that just because systems were present and operational, that did not indicate that they were turned on.[[157]](#footnote-157) SCA stated that they were working on monitoring more detailed airflow information.[[158]](#footnote-158)

Dr. Jack Caravanos, an environmental health specialist at NYU’s School of Global Public Health has stated that he believes open windows are the best way to keep air moving, as this dilutes the interior space, decreasing the chance of possible infection from virus particles.[[159]](#footnote-159) Dr. Caravanos states that even if city school buildings improved their HVAC systems, modern HVAC systems are designed to save money by minimizing fresh air intake, so the best way to maximize filtration through HVACs is to run them constantly.[[160]](#footnote-160) He recommends schools open all the windows, keep HVACs running, increase fresh air intake, and “purge” classrooms throughout the day.[[161]](#footnote-161)

Union workers for school lunch workers have stated that the ventilation concerns go beyond the classroom, too—with kitchen staff working in stifling conditions in school kitchens, long-term solutions to air cooling and ventilation concerns in school kitchens are long overdue.[[162]](#footnote-162)

On October 5, 2020, Public Employees for Environmental Responsibility (PEER) and the Environmental Justice Initiative (EJI) filed a complaint with the New York State Labor Department on behalf of teachers and staff of NYC DOE schools, alleging that many New York City schools lack sufficient ventilation to stem the spread of COVID-19 making them unsafe to reoccupy.[[163]](#footnote-163) Filed under the Public Employee Safety and Health Act (PESH), the complaint alleges that the DOE’s ventilation protocols are not scientifically valid and the DOE’s ‘quick fixes’ for schools that do not pass inspections are not protective, but instead create a false sense of security.[[164]](#footnote-164) The complaint cites “expert testimony that a room is not safe simply because some air can flow in and out, or has ‘operable’ windows and exhaust fans, as the virus can linger in the air for hours and recirculate through traditional HVAC systems.”[[165]](#footnote-165) The complaint seeks state tests for both the quantity and the quality of air moving throughout school facilities in order to determine the actual cubic feet per minute for both supply and return air for each room, as well as certification that the filtration systems are sufficient to screen out airborne virus particles.[[166]](#footnote-166)

# VII. School Buses and Transportation

On September 9, 2020, Mayor de Blasio announced that school bus service would resume on the first day of the school year for all children who need it.[[167]](#footnote-167) The mayor stated that on Monday, September 21st, there would be 100,000 bus seats available, with 6,000 special education routes, and 2,500 general education routes.[[168]](#footnote-168) He also noted safety measures for school buses, including social distancing and mandatory masks for all adults and children on the buses, as well as nightly cleaning and riding with windows open.[[169]](#footnote-169) Mayor de Blasio also indicated that the City would provide PPE to every bus company, starting with a supply of 300,000 masks, 10,000 face shields, 30,000 bottles of hand sanitizer and electrostatic sprayers for every bus garage, and would replenish those supplies as needed.[[170]](#footnote-170)

Additional details posted on DOE’s website noted that, in accordance with the phase-in of school reopenings, busing would begin on September 21 for the following students: children in grades 3K and Pre-K; all grades in District 75 schools; all grades in non-public schools; and all grades in charter schools.[[171]](#footnote-171) Families whose children are eligible for curb-to-school bus service, cannot use public transportation via MetroCard, and are awaiting bus service are eligible for travel reimbursement.[[172]](#footnote-172)

In terms of health and safety measures, following CDC guidelines to ensure safe social distancing, school buses will be limited to 25 percent of capacity, with the only exceptions being students from the same household who may be seated together, and nurses and paraprofessionals assigned to students.[[173]](#footnote-173) Additionally, drivers, attendants and all students will be expected to wear a face covering or mask, and if they don’t have one, the bus operator will provide one.[[174]](#footnote-174) According to DOE, “[o]nly students who are exempted from facial coverings requirements due to their age or medical needs, or whose physical or mental health would be impaired by wearing a face covering, may ride the bus without one. In these cases, transportation options will be developed for these students on a case-by case-basis.”[[175]](#footnote-175) Families are also expected to screen their children’s health at home, including temperature checks, to ensure they are well enough to attend school, as bus personnel will not administer screenings prior to the buses being boarded.[[176]](#footnote-176)

Further, all school buses will be cleaned and disinfected each night, using CDC recommended cleaning and disinfection protocols and, in order to maintain adequate ventilation, buses will operate with the windows open whenever possible and with the bus air system in the “non-recirculating mode.”[[177]](#footnote-177)

Regarding other forms of transportation, MetroCards are also available for eligible students engaged in blended learning to travel to and from school.[[178]](#footnote-178) Some parents, including caregivers of pre-K–6 busing students and parents/guardians of students in temporary housing, are also eligible for a MetroCard to accompany students traveling for in-person blended learning.[[179]](#footnote-179) Students and parents using public transportation are expected to follow the same social distancing and face covering protocols as all New Yorkers.[[180]](#footnote-180)

# VIII. Rising COVID Cases Impact on DOE Schools

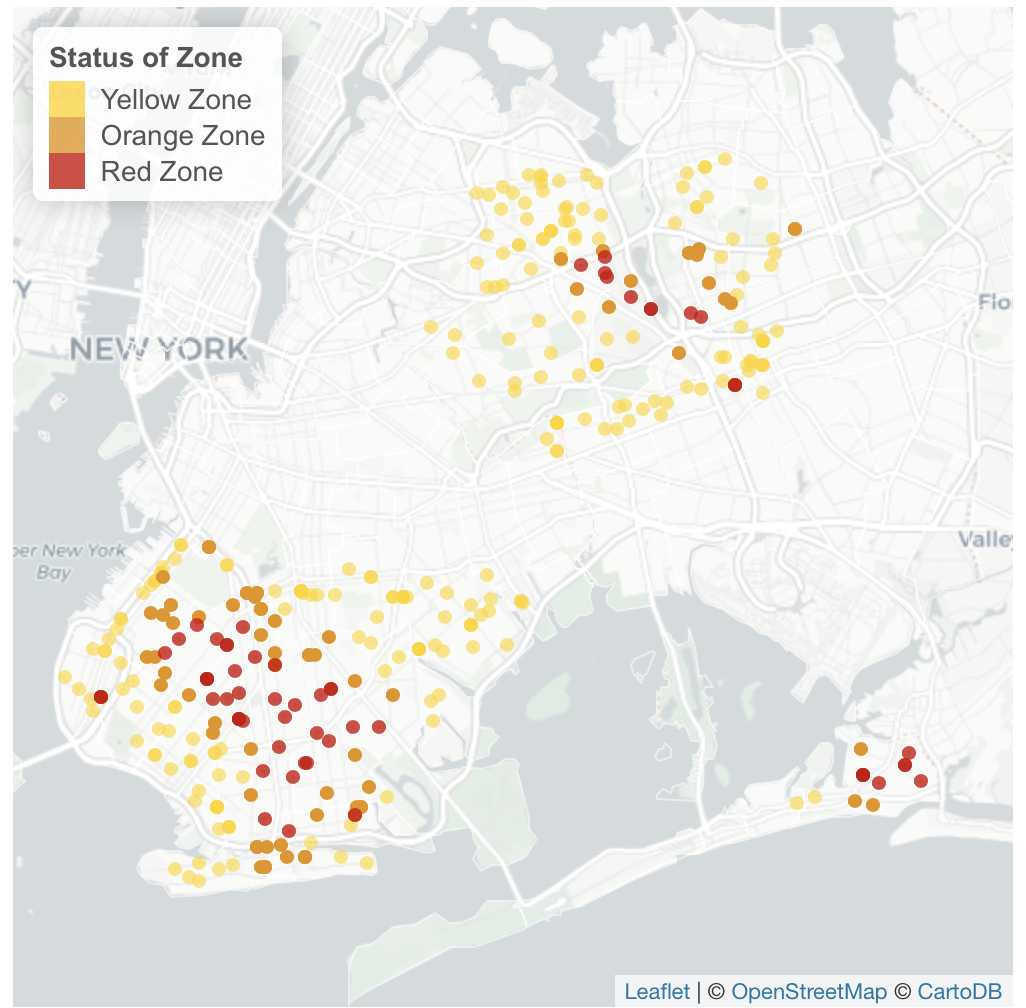
Reopening has always been dependent upon continuing to meet health and safety guidelines.[[181]](#footnote-181) The virus remains very closely monitored to avoid a second wave of cases, with many concerned that a second wave may occur as we see restrictions ease and as we continue into fall and flu season.[[182]](#footnote-182) Starting in late September 2020, the City began seeing spikes in cases in eight neighborhoods in Brooklyn and Queens.[[183]](#footnote-183) As a result, Mayor de Blasio requested that NYS close schools and non-essential businesses in nine NYC zip codes where COVID-19 infection rates had been over 3 percent for over a week.[[184]](#footnote-184) On Tuesday, October 6, in coordination with the State, NYC closed 108 public school sites.[[185]](#footnote-185)

On October 6, Governor Andrew Cuomo announced a new "Cluster Action Initiative" which set forth rules and restrictions for communities with high COVID-19 infection rates.[[186]](#footnote-186) The Governor’s restrictions, which went into effect between October 7th and 9th, divided COVID-19 impacted areas into three color-coded zones, each with different rules for gatherings, schools, and businesses.[[187]](#footnote-187) The restrictions in each zone and their impact on NYC school buildings are as follows:

* + Red Zone(cluster zone): School buildings in this zone are required to close and operate remotely
  + Orange Zone (warning zone): School buildings in this zone are required to close and operate remotely
  + Yellow Zone(precautionary zone): These zones are set to be open with mandatory weekly testing of students and staff participating in in-person learning[[188]](#footnote-188)

As the following map shows, there are 66 school sites in the Governor’s “Red Zone” and 87 sites in the “Orange Zone” with a total of 153 school sites in both zones.[[189]](#footnote-189) All schools in the red and orange zones are closed and will be reevaluated for reopening after 14 days with the earliest day of reopening occurring on Wednesday, October 21 if they closed on Tuesday, October 6. Notably, there are 324 school sites inside of the yellow zone.[[190]](#footnote-190)

## *NYC Public Schools in Governor’s Yellow, Orange & Red Zones*



# IX. Social Emotional Health for Students

It has long been understood that NYC public schools, even without facing a pandemic, lack a sufficient number of social workers, guidance counselors and school psychologists.[[191]](#footnote-191) For the 2019-20 school year, DOE employed 1,533 social workers (1,456 FT and 77 PT), 2,992 guidance counselors (2,892 FT and 100 PT)[[192]](#footnote-192) and 492 school psychologists.[[193]](#footnote-193) There at 11 schools without a social worker or guidance counselor, 111 without a guidance counselor but some sort of social worker and 463 without social workers but some sort of guidance counselor.[[194]](#footnote-194) Research shows that social workers, guidance counselors, and school psychologists are beneficial to students’ social and emotional health, as well as their academic outcomes.[[195]](#footnote-195)

The COVID-19 pandemic has laid bare how critical social-emotional support for students is as many students have faced grief and loss during this past year.[[196]](#footnote-196) In fact, the New York State Education Department in its reopening guidance presentation to the Board of Regents, stated that “social emotional wellbeing must be schools’ and districts’ top priority in supporting school transitions, not at the expense of academics, but in order to create the mental, social, and emotional space for academic learning to occur.”[[197]](#footnote-197)

On a May 18 briefing call, the DOE shared a number of steps it was taking to address the issue of wellness for students.[[198]](#footnote-198) Those steps included an umbrella of training series that included various elements of trauma (crisis, grief, loss, bereavement, self-care and trauma):

* A Trauma 101 professional development course was offered to 87 parent leaders and 500 parent coordinators; and
* Crisis 101 professional development series, mandatory for every school crisis team. Designed to provide coherence around the city. It was launched on May 18 with approximately 800 participants, with all crisis teams trained in the following weeks.[[199]](#footnote-199)

Recognizing that not all schools have social workers, guidance counselors and psychologists, DOE provided trauma and crisis training to all educators to provide a baseline in all schools while at the same time leveraging existing resources including CBO partner social workers, Bridging the Gap social workers, and staff with social work backgrounds.[[200]](#footnote-200)

On August 26, the Mayor and Chancellor announced the *Bridge to School* program.[[201]](#footnote-201) *Bridge to School* is “a Citywide initiative for the 2020-21 school year focused on the social and emotional well-being of students and adults in order to create a safe, supportive learning environment that confronts the trauma caused by the COVID-19 crisis.”[[202]](#footnote-202) Backed by a $1.9M grant the City secured through the Robin Hood, Gray, and Tiger foundations, the DOE will be building on work they did over the summer around trauma training and provide school-based staff citywide with trauma-informed training, resources, and ongoing support.[[203]](#footnote-203) The training will be made available to all NYC public school teachers and include training on “building capacity of school staff and school leaders to recognize the signs and symptoms of trauma and its impact on young people and learning effective classroom and school-wide trauma informed care practices that align to existing social-emotional and mental health support systems used in the NYCDOE.”[[204]](#footnote-204)

As part of this initiative, the DOE also released a Bridge to School Resource Guide that provides schools with flexible and adaptable activities and lesson plans for both remote and in-person learning, to help students build coping skills, process grief, and re-connect with their

individual school community.[[205]](#footnote-205)

Finally, the DOE has also increased student support through school supports in the following ways:[[206]](#footnote-206)

* **Elementary school supports** – All elementary schools will receive support to teach their students how to develop healthy relationships through Social-Emotional Learning (SEL) curricula (in partnership with National University System’s Sanford Harmony Program). Teachers from 3K – 5th grade will receive training and materials to help students grow their emotional and social skills. Activities like daily meet-ups between students and a “buddy-up” system will help children to learn how to get along with others.
* **Middle and high school supports** – Middle schools across the city will reinforce SEL tenets by implementing Restorative Justice Practices. Additionally, 50 of the City’s middle schools will take part in Positive Learning Collaborative (PLC) programming, a restorative approach to school climate. PLC is designed to help every adult in a school—from teachers to custodians to principals—cultivate strong relationships with students so school communities can short-circuit many problems before they start, and prevent others from escalating. PLC was designed in collaboration with the United Federation of Teachers.
* **Discipline Code** – Changes to the Citywide Behavioral Expectations to Support Student Learning (also known as the DOE Discipline Code). These changes will limit suspensions to fewer than 20 days in most cases, except in the case of violent acts or where required by federal law, and include updates to supports, interventions, and other clarifications.
* **Social workers** – Through ThriveNYC and City Council funding, DOE will create a new unit of 85 licensed clinical social workers to better support students facing crises. The social workers will be able to provide students care in times of immediate emotional distress and help them receive long-term care if necessary. The increased presence of social workers will also reduce the need for school staff to call emergency services.

# X. Conclusion

Today’s hearing will provide an opportunity for students, parents, teachers, medical experts, unions and other educational stakeholders to raise their concerns about DOE’s reopening plan and whether it adequately protects the health and safety of students and school staff.

Analysis of Proposed Int. No. 2058-A

A Local Law in relation to requiring the department of education to report on remote learning attendance

This bill would require the Department of Education (DOE) to publicly post on its website on a monthly basis student attendance data during the use of remote learning due to the COVID-19 pandemic. Remote Learning can occur synchronously with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher The data would be disaggregated by school, school district, grade, ethnicity and a number of other factors. This bill would take effect immediately and be deemed repealed two years after it becomes law.

Analysis of Proposed Int. No. 2104-A

A Local Law in relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic

This bill would require the Department of Education (DOE) to report on a series of metrics whenever it is engaged in remote learning due to the COVID-19 pandemic. Those metrics would include language access and support provided for English language learners; steps DOE took to ensure incarcerated students received remote instruction; and details on internet enabled devices ordered by the DOE and distributed to students. This bill would take effect immediately and be deemed repealed two years after it becomes law.

**UPDATE**: On Tuesday, December 15, 2020, the Committee on Education, chaired by Council Member Mark Treyger, passed Proposed Introduction Number 2058-A, sponsored by the Public Advocate (Mr. Williams) and Proposed Introduction Number 2104-A, sponsored by Council Member Treyger by a vote of fourteen in the affirmative, zero in the negative, with zero abstentions.

Proposed Int. No. 2058-A

By the Public Advocate (Mr. Williams) and Council Members Treyger, Kallos, Brannan, Gibson, Chin, Adams, Dromm, Rosenthal and Barron

..Title

A Local Law in relation to requiring the department of education to report on remote learning attendance

..Body

Be it enacted by the Council as follows:

Section 1. Report on remote learning attendance. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Blended learning. The term “blended learning” means a combination of in-person instruction and remote learning instruction, implemented during and as a result of the COVID-19 pandemic.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Remote learning. The term “remote learning” means a system, implemented in lieu of in-person instruction during and as a result of the COVID-19 pandemic, that allows teachers to deliver their lessons online, and students to complete assignments, projects, and assessments remotely just as they would in the physical classroom. Remote learning can occur synchronously with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher.

School. The term “school” means a school of the city school district of the city of New York.

Individualized education program or IEP. The term “individualized education program” or “IEP” has the same meaning as such term is defined in 20 U.S.C. section 1401 and any regulations promulgated thereto.

b. No later than March 1, 2021, and on the first day of each month thereafter, the department shall submit to the mayor, the speaker of the council, the public advocate, the school diversity advisory group, all community education councils and post on its website a report on student attendance for periods of time during which remote learning was used by the department. The report shall capture student attendance data for the month occurring 2 months prior to the month of the report. The report shall include the attendance rate of students who participated in (i) full-time remote learning instruction and (ii) blended learning. Such data shall be disaggregated by:

1. School;

2. School district;

3. Grade level;

4. Gender;

5. Race or ethnicity;

6. Individualized education program status;

7. English language learner status;

8. Status as a student in temporary housing other than students who are residing in shelters; and

9. Status as a student residing in shelter.

The information described in each paragraph of subdivision b shall be reported individually and disaggregated by the other paragraphs in subdivision b, except that the information described in paragraph 1 shall not be disaggregated by the categories described in paragraph 2 through paragraph 9, the information described in paragraph 8 shall not be disaggregated by the category described in paragraph 9, and the information described in paragraph 9 shall not be disaggregated by the category described in paragraph 8.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between 1 and 5 students, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol. A category that contains 0 students shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 2. This local law takes effect immediately and is deemed repealed 2 years after it becomes law.

JG/MMB

LS # 15020

12/9/10; 10:05 p.m.

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Proposed Int. No. 2104-A

By Council Members Treyger, Kallos, Louis, Adams, Chin, Gibson, Dromm, Rosenthal and Barron

..Title

A Local Law in relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic

..Body

Be it enacted by the Council as follows:

Section 1. COVID-19 remote learning metric reporting. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Blended learning. The term “blended learning” means a combination of in-person instruction and remote learning instruction, implemented during and as a result of the COVID-19 pandemic.

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Department. The term “department” means the New York city department of education.

Individualized education program or IEP. The term “individualized education program” or “IEP” has the same meaning as such term is defined in 20 U.S.C. section 1401 and any regulations promulgated thereto.

Related services. The term “related services” has the same meaning as such term is defined in section 200.1 of title 8 of the New York codes, rules and regulations.

Remote learning. The term “remote learning” means a system, implemented in lieu of in-person instruction during and as a result of the COVID-19 pandemic, that allows teachers to deliver their lessons online, and students to complete assignments, projects, and assessments remotely just as they would in the physical classroom. Remote Learning can occur synchronously with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher.

School. The term “school” means any elementary, middle or high school within the jurisdiction of the New York city department of education and in any educational facility owned or leased by the city of New York, holding some combination thereof, including, but not limited to, district 75 schools.

Student. The term “student” means any pupil under the age of 21 as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, but does not include children enrolled in an early childhood program.

b. When the department is providing any remote instruction in lieu of in-person instruction during and as a result of the COVID-19 pandemic, the department shall submit to the mayor, the speaker of the council and the public advocate, and post on its website, a report according to the following schedule: (i) for the period between September 1 of the prior calendar year until and including December 31 of the prior calendar year, a report due on March 1 of the current calendar year; (ii) for the period between January 1 of the current calendar year until and including June 30 of the current calendar year, a report due on September 1 of the current calendar year; and (iii) for the period between July 1 of the current calendar year until and including August 31 of the current calendar year, a report due on November 1 of the current calendar year. Such report shall include the following information:

1. The language development instruction provided to English language learner students;

2. A breakdown by community school district of the number of and percentage of students who participated in (i) full-time remote learning instruction and (ii) blended learning disaggregated by (i) grade level, (ii) gender, (iii) race or ethnicity, and (iv) English language learner status, to the extent such information is available. To the extent practicable, the department shall describe the different methods of asynchronous instruction available to students;

3. Steps the department took to ensure that all students attending Passages Academy, East River Academy, and ReStart Academy received remote instruction;

4. A list of related services that were not provided to any student;

5. The number of students recommended for summer school. Such information shall be reported citywide, by borough and by community school district and disaggregated by:

(a) Grade level;

(b) Gender;

(c) Race or ethnicity;

(d) English language learner status;

(e) Status as a student residing in shelter;

(f) Status as a student in temporary housing other than students who are residing in shelters; and

(g) Status as a student in foster care.

In reporting the number of students recommended for summer school citywide and by borough and by community school district, the information required by each subparagraph in paragraph 5 shall also be reported individually and shall be disaggregated by the categories described in other subparagraphs in paragraph 5, except that the information required by subparagraph e shall not be disaggregated by categories described in subparagraphs f and g, the information described in subparagraph f shall not be disaggregated by the categories described in subparagraphs e and g, and the information described in subparagraph g shall not be disaggregated by the categories described in subparagraphs f and g. Such information shall also be reported by borough and community school district and cross-referenced by (i) class level, (ii) gender, (iii) race or ethnicity, and (iv) English language learner status; and

6. The number of students who requested a remote learning device from the department’s central office, the number of students who received a remote learning device from the department’s central office, and the average and median number of days between the date such request was received by the department’s central office and the date the device was delivered. Such information shall be reported citywide and disaggregated by borough and district.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between 1 and 5 students, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol. A category that contains 0 students shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 2. This local law takes effect immediately and is deemed repealed 2 years after it becomes law.

MMB

LS # 15,174

12/9/20; 8:34 p.m.

1. Hearing held on October 16, 2020. [↑](#footnote-ref-1)
2. Axios, “The COVID-19 Tracker.” Accessed at: <https://www.statnews.com/feature/coronavirus/covid-19-tracker/>. [↑](#footnote-ref-2)
3. Worldometer, “COVID-19 Coronavirus Pandemic.” Accessed at: <https://www.worldometers.info/coronavirus/>. [↑](#footnote-ref-3)
4. NYS DOH COVID-19 Tracker, “Persons Tested Positive by County.” Accessed at: <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>. [↑](#footnote-ref-4)
5. New York State Department of Health COVID-19 Tracker, “Fatalities.” Accessed at: <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>. [↑](#footnote-ref-5)
6. New York City Department of Health and Mental Hygiene, “COVID-19: Data.” Accessed at: <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>. [↑](#footnote-ref-6)
7. Centers for Disease Control and Prevention, “Symptoms of Coronavirus,” May 13, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. [↑](#footnote-ref-7)
8. *Id.*  [↑](#footnote-ref-8)
9. Centers for Disease Control and Prevention, “People at Increased Risk and Other People Who Need to Take Extra Precautions,” September 11, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>. [↑](#footnote-ref-9)
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